

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CITIZENS ASSET FINANCE, INC f/k/a
RBS Asset Finance, Inc.,

Plaintiff,

v.

COVIA HOLDINGS CORPORATION f/k/a
UNIMIN CORPORATION,

Defendant.

Case No. 1:20-cv-04590-CM

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/22/2020

**SUGGESTION OF BANKRUPTCY
FOR COVIA HOLDINGS CORPORATION AND CERTAIN OF ITS
AFFILIATES AND NOTICE OF AUTOMATIC STAY OF PROCEEDINGS**

PLEASE TAKE NOTICE that, on June 29, 2020, Covia Holdings Corporation and certain of its affiliates (collectively, the “Debtors”),¹ filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101—1532 (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of Texas (the “Bankruptcy Court”). A copy of the voluntary petition of the lead Debtor, Covia Holdings Corporation, is attached hereto as **Exhibit A**.

PLEASE TAKE FURTHER NOTICE that the Debtors’ chapter 11 cases are pending before the Honorable Judge David R. Jones and are being jointly administered under the lead case

¹ The Debtors include: Covia Holdings Corporation; Covia Specialty Minerals Inc.; Covia Finance Company LLC; Alpha Resins, LLC; Best Sand Corporation; Best Sand of Pennsylvania, Inc.; Bison Merger Sub I, LLC; Black Lab LLC; Cheyenne Sand Corp.; Construction Aggregates Corporation of Michigan, Inc.; Fairmount Logistics, LLC; Fairmount Minerals, LLC; Fairmount Santrol Inc.; FML Resin, LLC; FML Sand, LLC; FML Terminal Logistics, LLC; FMSA, Inc.; Mineral Visions, Inc.; Self-Suspending Proppant LLC; Shakopee Sand LLC; Specialty Sands, Inc.; Standard Sand Corporation; TechniSand, Inc.; Wedron Silica Company; West Texas Housing LLC; Wexford Sand Co.; Wisconsin Industrial Sand Company L.L.C.; Wisconsin Specialty Sands, Inc. The location of Debtor Covia Holdings Corporation’s principal place of business and the Debtors’ service address is: 3 Summit Park Drive, Suite 700, Independence, Ohio 44131.

In re Covia Holdings Corporation, Case No. 20-33295 (DRJ) (the “Chapter 11 Cases”). A copy of the order entered on June 30, 2020 directing joint administration of these Chapter 11 Cases is attached hereto as **Exhibit B**.

PLEASE TAKE FURTHER NOTICE that, pursuant to section 362(a) of the Bankruptcy Code, the Debtors’ filing of their respective voluntary petitions gives rise to a stay, applicable to all entities, of, among other things: (a) the commencement or continuation of any judicial, administrative, or other action or proceeding against the Debtors (i) that was or could have been commenced before the commencement of the Chapter 11 Cases or (ii) to recover a claim against the Debtors that arose before the commencement of the Chapter 11 Cases; (b) the enforcement against any of the Debtors or against any property of each of the Debtors’ bankruptcy estates of a judgment obtained prior to the commencement of the Chapter 11 Cases; and (c) any act to obtain possession of property of or from any of the Debtors’ bankruptcy estates, or to exercise control over property of any of the Debtors’ bankruptcy estates.² No order has been entered in the Chapter 11 Cases granting relief from the automatic stay.

PLEASE TAKE FURTHER NOTICE that additional information regarding the Chapter 11 Cases may be obtained free of charge by visiting the website of the Debtors’ proposed claims and noticing agent at <http://cases.primeclerk.com/covia>. You may also obtain copies of any pleadings by visiting the Court’s website at <https://ecf.txsb.uscourts.gov> (PACER login and password required) in accordance with the procedures and fees set forth therein.

² Nothing herein shall constitute a waiver of the Debtors’ rights to assert any claims, counterclaims, defenses, rights of setoff or recoupment, or any other claims against any party to the above-captioned case. The Debtors expressly reserve all rights to contest any claims that may be asserted against the Debtors.

Dated: July 1, 2020

/s/ D. Farrington Yates

D. Farrington Yates

KOBRE & KIM LLP

800 Third Avenue

New York, New York 10022

Tel.: 212.488.1200

Fax: 212.488.1220

Email: farrington.yates@kobrekim.com

CERTIFICATE OF SERVICE

I, D. Farrington Yates, certify that on the first day of July, 2020, a true and correct copy of the foregoing *Suggestion of Bankruptcy for Covia Holdings Corporation and Certain of its Affiliates and Notice of Automatic Stay of Proceedings* was (a) electronically filed with the Clerk of the Court using the CM/ECF system, thereby sending a notice of electronic filing to certain of the parties listed below and (b) transmitted to each of the parties listed below through e-mail as courtesy.

Dated: July 1, 2020

/s/ D. Farrington Yates

D. Farrington Yates

KOBRE & KIM LLP

800 Third Avenue

New York, New York 10022

Tel.: 212.488.1200

Fax: 212.488.1220

Email: farrington.yates@kobrekim.com

Parties receiving service:

MCGRAIL & BENSINGER LLP

Pearl Shah (pshah@mcgrailbensinger.com)

Patrick Train-Gutiérrez (ptrain-gutierrez@mcgrailbensinger.com)

David C. McGrail (dmcgrail@mcgrailbensinger.com)

CHOATE, HALL & STEWART LLP

Douglas R. Gooding (dgooding@choate.com)

Jonathan D. Marshall (jmarshall@choate.com)

Attorneys for Citizens Asset Finance, Inc. f/k/a RBS Asset Finance, Inc.